

FILED

DEC 23 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT-WVND
WHEELING, WV 26003

IN RE:
THE SEIZURE OF
UNITED STATES CURRENCY
AGGREGATING \$185,126.83

UNDER SEAL

MISC. NO. 3:15 MC42

**GOVERNMENT'S *EX PARTE* MOTION TO EXTEND TIME
TO OBTAIN INDICTMENT ALLEGING FORFEITURE**

The United States requests the Court to enter an Order extending the time until May 20, 2016 (the Friday ending the week of the May term of the Martinsburg Grand Jury), in which the United States must obtain a criminal indictment containing an allegation asserting that the above-described seized currency is subject to forfeiture. In support of this motion, the United States avers:

1. On August 18, 2015, Homeland Security Investigations seized United States currency aggregating \$185,126.83 (hereinafter, the "subject currency").
2. The subject currency was seized pursuant to the execution of multiple seizure warrants issued in this judicial district, and the execution of a search warrant issued in the Eastern District of Virginia.
3. The subject currency is comprised of the following:
 - A. \$9,372.97, seized from Bank of Clarke County account number ending in 7316, held in the name of Welltown Group, Inc.;
 - B. \$14,738.36, seized from Jefferson Security Bank account number ending in 5409, held in the name of Demcorp Inc.;
 - C. \$2,824.19, seized from Navy Federal Credit Union account number ending in 6344, held in the names of Reba H. and David E. Myers;
 - D. \$93.56, seized from Navy Federal Credit Union account number ending in 7624, held in the names of Reba H. and David E. Myers;

- E. \$68.04, seized from Navy Federal Credit Union account number ending in 3519, held in the names of Demcorp, Inc., d/b/a Dollar Stretcher;
- F. \$15,399.06, seized from Navy Federal Credit Union account number ending in 3029, held in the names of Reba H. and David E. Myers;
- G. \$20,461.25, seized from Navy Federal Credit Union account number ending in 3029, held in the name of Reba H. Myers;
- H. \$121,707.00, seized from the business known as The Welltown Group, Inc., d/b/a Dollar Stretcher, located at 330 Welltown Road, Winchester, Virginia; and
- I. \$462.00, seized from the vehicle of David E. Myers.¹

4. Although no statutory filing deadline is applicable to the precise facts of this case, it is the Department of Justice's policy to obtain an Indictment that includes a Forfeiture Allegation within 150 days of the seizure, unless the Court authorizes an extension.

5. The internal deadline is January 14, 2016.

6. There is good cause to extend the filing deadline. The seizures of the subject currency were pursuant to a multi-agency, multi-jurisdictional, investigation involving interstate contraband cigarette trafficking. The United States has commenced a criminal investigation of Reba H. and David E. Myers, The Welltown Group, Inc., Demcorp, Inc., d/b/a Dollar Stretcher, and several others, with respect to conduct giving rise to the forfeiture of the subject currency. The investigation is complex and protracted. The government projects that the investigation will be concluded in time for the Grand Jury to consider returning an Indictment alleging that the currency is subject to forfeiture during its May term.

¹ The United States was authorized to seize \$156,752.81, but inadvertently seized \$185,126.43, because multiple search and seizure warrants were executed on the same day by various teams of agents. Accordingly, the government has remitted \$28,373.62 to Reba H. and David E. Myers.

8. The United States will not be able to present the Indictment before the May term of the Grand Jury because this ongoing investigation contains numerous subjects and is complex, protracted, and may possibly be expanded.

WHEREFORE, the United States respectfully requests this Court to extend the government's internal deadline required by Department of Justice policy to obtain a criminal indictment to May 20, 2016. A proposed order is submitted herewith.

Respectfully submitted,

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